

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
May 18, 2005
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR PRO TEM JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL

| | |
|-------------------------|-------------------------------------------------------------|
| Councilmembers present: | McCoy, Winter, McLean |
| Councilmembers absent: | None |
| Mayor present: | Rose (arrived at 5:35 p.m.) |
| Mayor Pro Tem present: | Janney |
| Staff present: | City Manager Brown; City Attorney Lough; City Clerk Hald |

CLOSED SESSION

MOTION BY JANNEY, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LABOR NEGOTIATOR.

Pursuant to Government Code Section 54957.6:

| | |
|-------------------------|-------------------------------------------------------------------------------------------------------------|
| Agency Negotiator: | City Manager |
| Employee organizations: | Imperial Beach Firefighters' Association (IBFA) Service Employees International Union (SEIU), Local 2028 |

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION.

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(2):
Number of potential cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR PRO TEM JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session, received information from staff and had nothing to report.

CALL TO ORDER

MAYOR ROSE called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

| | |
|-------------------------|-------------------------------------------------------------|
| Councilmembers present: | McCoy, Winter, McLean |
| Councilmembers absent: | None |
| Mayor present: | Rose |
| Mayor Pro Tem present: | Janney |
| Staff present: | City Manager Brown; City Attorney Lough; City Clerk Hald |

PLEDGE OF ALLEGIANCE/INVOCATION

MAYOR ROSE led everyone in the Pledge of Allegiance and asked everyone to bow his or her head for a moment of silence.

AGENDA CHANGES

MAYOR PRO JANNEY recommended that Item No. 7.4 be heard after the Consent Calendar.

MOTION BY JANNEY, SECOND BY MCLEAN, TO TAKE ITEM NO. 7.4 – SANDCASTLE EVENT UPDATE AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE announced there was a request to take Item No. 7.6 earlier on the agenda.

MOTION BY ROSE, SECOND BY MCLEAN, TO TAKE ITEM NO. 7.6 – ENTRANCE MONUMENT PROJECT AFTER ITEM NO. 7.4. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE announced that the applicant for Item No. 6.2 requested continuance of the item and that Council would consider that request under Public Hearings.

MAYOR/COUNCIL ANNOUNCEMENTS

MAYOR ROSE reported that she attended a Good Neighbor Environmental Advisory Board meeting in Washington D.C. last week.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN reported that fence replacement has begun at Veterans Park.

SHERIFF'S CAPTAIN PARKER reported that four suspects of a recent shooting pled guilty.

PUBLIC COMMENT

BOB WADHAM spoke about the success of the Paint IB event, he provided a picture collage for Council's review, and he thanked all who participated in the event.

MIKE MCCOY announced that the Tijuana Estuary was designated as a Wetland of International Importance and he presented Mayor Rose with a certificate from the Ramsar Convention on Wetlands.

CARLEEN HESS spoke about missing trash cans on Carnation Ave.

PRESENTATIONS/PROCLAMATIONS (1.1 - 1.4)

1.1 PRESENTATION BY SDG&E – PLANNING FOR OUR REGION'S NEEDS. (0820-30)

CITY MANAGER BROWN introduced the item.

J.C. THOMAS of SDG&E gave a PowerPoint presentation entitled, "Our Region's Energy Challenges" and he responded to concerns of Council.

MICHEL DEDINA suggested that solar panels be placed on City facilities and that the energy produced from these panels be credited towards the electricity used to power streetlights.

1.2 PRESENTATION BY SANDAG – ENERGY WORKING GROUP. (0820-30)

CITY MANAGER BROWN introduced the item.

HENRY ABARBANEL, Co-Chair of the SANDAG Energy Working Group (EWG), gave a background on the group, he stated information was provided to City Council as Last Minute Agenda Information, he reported that the EWG along with SDG&E are preparing a Long Term Resource Plan that is due to the California Public Utilities Commission in 2006; he also stated that it is the goal of the EWG to transform the San Diego region from one where our utility delivers energy efficiently and reliably, and plans how to do it, to a region where our utility delivers energy efficiently and reliably, and the residents and businesses guide the plans for production, delivery and pricing, and he responded to concerns of Council.

1.3 PRESENTATION OF PROCLAMATION TO BOB WADHAM AND BOB MILLER – NEIGHBORHOOD REVITALIZATION CITIZENS COMMITTEE. (0940-45)

CITY MANAGER BROWN introduced the item.

MAYOR ROSE presented a Proclamation to Bob Wadham in recognition of his efforts on the Neighborhood Revitalization Committee; Bob Miller was not in attendance.

BOB WADHAM spoke favorably of the participants and staff who have assisted with Neighborhood Revitalization over the past several years.

1.4 BEACH SAFETY WEEK. (0220-90, 0410-30)

CITY MANAGER BROWN introduced the item.

LIFEGUARD SERGEANT CHAPMAN spoke about the importance of beach safety and he unveiled the new signs regarding rip currents.

CONSENT CALENDAR (2.1 - 2.6)

MOTION BY ROSE, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special Meeting of April 7, 2005 and the Regular Meeting of April 20, 2005.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 59234 through 59363 for the period ending 05/04/05 and Payroll Register Numbers 35457 through 35509 for the period ending 04/28/05 in the amount of \$946,707.36.

2.3 RATIFY LETTER TO ASSEMBLYMEMBER MERVYN M. DYMALLY – OPPOSITION TO AB 194. (0460-50)

Ratified letter to Assemblymember Mervyn M. Dymally – Opposition to AB 194.

2.4 RESOLUTION NO. 2005-6154 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ANNUAL 5-YEAR TREE TRIMMING SERVICES 2005. (0940-60)

Adopted Resolution No. 2005-6154.

2.5 NEIGHBORHOOD REVITALIZATION CITIZENS COMMITTEE. (0940-45)

Adopted Resolution No. 2005-6158, acknowledging receipt of the Neighborhood Revitalization Citizens Committee action to disband with a request to remain available for "Recall to Action" if it is determined that there is a need to reinstate and memorialize the disbandment effective April 26, 2005.

2.6 FINAL PARCEL MAP (PM 03-05) FOR THE CONVERSION OF TWO EXISTING RESIDENTIAL UNITS AT 1440 FERN AVE. AND 1194 GRANGER ST., IN THE R-3000 (TWO-FAMILY DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: JONATHAN FARRELLY. MF 629. (0600-20)

Approved the final Parcel Map (PM 03-05).

REPORTS

7.4 SANDCASTLE EVENT UPDATE. (1040-10)

CITY MANAGER BROWN introduced the item, he stated that at the last City Council meeting City Council created an ad hoc committee consisting of Mayor Pro Tem Janney and Councilmember McLean to work with him and the Sandcastle Committee; he reported that the

ad hoc committee recommended that the City sponsor the fireworks for Sandcastle in the amount of \$21,000.

MAYOR PRO TEM JANNEY reported that the ad hoc committee supported the funding of fireworks due to previous requests of the City to include fireworks as part of past Sandcastle events.

MAYOR ROSE thanked the subcommittee and City Manager Brown for their efforts on the item; she supported the subcommittee's approach of identifying one particular segment to fund.

RENEE EVANS, Sandcastle Sponsorship Chair, announced that they had a new website, a new sponsorship package, and a new marketing strategy; she spoke of the instrumental marketing role of Julie Walke, and she gave a background on the meetings with the Port of San Diego (additional speaking time donated by Deb Skogman and Paul Evans).

ANGELO PALLOTTO, Vice Chairman for the Sandcastle Committee, spoke about sponsorship and the hard work and efforts of the Committee and he expressed appreciation for Council's consideration of assistance with funding (additional speaking time donated by Phyllis Russell and Pam Medlock).

BUD HARBIN expressed appreciation for City Manager Brown and staff for working closely with the Sandcastle Committee; he spoke on the history of Sandcastle and he requested Council's approval of the City Manager's recommendation (additional speaking time donated by John Bellow, Linda Bellow, Dina Escobedo, Bill Hixon, Nita Jauregui, Dennis Jauregui, Patty Keshker, Debbie Longley, Lorraine Pavolillo, Tommie Schuette, William Zedbeck).

MICHEL DEDINA, opposed loans from the City to the Sandcastle Committee (did not wish to speak).

EMILY YOUNG AND SERGE DEDINA opposed loans and grants to the Sandcastle Committee (not available to speak).

MAYOR ROSE expressed appreciation for the work of the subcommittee; she stated that there is concern about giving tax payer dollars to the Sandcastle event and suggested that a mechanism be in place to pay back the City; she stated that the City already contributes \$5,000; she recommended that another \$5,000 that was budgeted for marketing be shifted to help cover the cost of fireworks with the remaining \$11,000 be constructed as a loan; she also spoke of the importance of public safety.

COUNCILMEMBER WINTER stated she was pleased with progress made by the committee; she understood the difficulties in collecting sponsorships due to her experience with the Chili and Jazz Festival; she supported Mayor Rose's recommendation; she suggested that the loan be guaranteed and she announced that there is a member of the community that is willing to guarantee \$5,000 as he believed in and supported the event; she expressed concern about the financial situation of the City, and she supported the Mayor's recommendation with guarantors.

COUNCILMEMBER MCCOY supported the Mayor's recommendation as well as the concept with a guarantor; she stated that she is encouraged by Renee's assistance and she recommended that she approach businesses earlier for sponsorship next year.

COUNCILMEMBER JANNEY did not support the loan concept, he added that the ad hoc committee did not want to get involved in the business of the Sandcastle committee, and the ad hoc committee supported the payment of a third party vendor for fireworks.

COUNCILMEMBER MCLEAN supported the recommendation made by the ad hoc committee.

MR. PALLOTTO, suggested that for the next four years the City not pay the annual \$5,000, yet the Sandcastle will continue to reflect that the City is the fireworks sponsor, so that it is not a loan or a gift.

MAYOR ROSE stated that it would be similar to an advance with a credit to the City for the next couple of years.

CITY ATTORNEY LOUGH recommended modifications be made to the resolution as well as an agreement be drafted between the City and the Sandcastle Committee.

Discussion ensued.

CITY ATTORNEY stated that it would be a contractual agreement to have a 501(c)(3) that is getting funds today in forbearing from seeking funds in the future; he recommended that Council approve City Manager to sign the agreement.

MR. PALLOTTO stated that the City is buying two years of sponsorship in advance.

MAYOR PRO TEM JANNEY stressed the importance of ensuring that public safety is covered.

MAYOR ROSE called a recess at 8:10 p.m. and reconvened the meeting to Open Session at 8:35 p.m.

ROLL CALL

| | |
|-------------------------|-----------------------|
| Councilmembers present: | McCoy, Winter, McLean |
| Councilmembers absent: | None |
| Mayor present: | Rose |
| Mayor Pro Tem present: | Janney |

| | |
|----------------|-------------------------------------------------------------|
| Staff present: | City Manager Brown; City Attorney Lough; City Clerk Hald |
|----------------|-------------------------------------------------------------|

CITY ATTORNEY LOUGH read for the record the following changes to Resolution No. 2005-6161:

- The title will now read "A Resolution of the City Council of the City of Imperial Beach, California approving City participation in the Sandcastle event for 2005."
- The 3rd Whereas will be removed.
- In Section 1, June 7th is changed to June 15th
- In Section 2, wording will be changed to "the City will contribute \$21,000 to Sandcastle for fireworks and fireworks related costs with the source of the funds being \$5,000 already budgeted from the City public relations marketing budgeted and \$11,000 from general fund reserves."
- In Section 3, wording will be changed to "the City Council and Sandcastle acknowledge and agree that Sandcastle event shall henceforth be financially independent and will not

rely on City funds for the fiscal years 2005/2006 and 2006/2007. The city's contribution herein shall be considered a sponsorship of \$5,000 for the Year 2006 and \$6,000 for the Year 2007."

- A new Paragraph 4 was added with the following wording: "Sandcastle will work with the City Manager on benchmark dates for future events and said schedule will be completed by July 30, 2005."
- The current Section 4 will be renumbered Section 5

MOTION BY ROSE, SECOND BY WINTER TO ADOPT RESOLUTION NO. 2005-6161 WITH CHANGES AS RECOMMENDED BY THE CITY ATTORNEY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE SANDCASTLE COMMITTEE. MOTION CARRIED UNANIMOUSLY.

7.1 VETERANS PARK MASTER PLAN CIP PROJECT - PERIMETER TREE OPTIONS. (0920-70)

CITY MANAGER BROWN announced at this time that the property owners had not received notification and requested that the item be continued to the meeting of June 1st.

MOTION BY ROSE, SECOND MCLEAN, TO CONTINUE THE ITEM TO JUNE 1, 2005. MOTION CARRIED UNANIMOUSLY.

7.6 ENTRANCE MONUMENT PROJECT. (0670-45, 1040-40)

PUBLIC WORKS DIRECTOR LEVIEN introduced the item and announced that color simulations were provided as last minute agenda information.

HERNANDO GARCIDIAZ reported on the details of the design concept and responded to questions of Council.

MOTION BY ROSE, SECOND BY MCCOY, TO APPROVE THE FINAL DESIGN. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES - SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.5)

6.1 VACANT LOT, APN 626-230-13, THE 600 BLOCK OF FLORIDA STREET – NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that Code Compliance was moved under the Building Division and in the absence of Code Enforcement Officer Garcias, Building Official Goodman would be giving the presentation on the item.

BUILDING OFFICIAL GOODMAN gave a history on the item and recommended adoption of Resolution No. 2005-6157.

DOROTHY BAKER thanked City Council for their consideration.

MOTION BY ROSE, SECOND BY MCCOY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2005-6157 PLACING INTO ABEYANCE THE REMAINING TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) OF ACCRUED CIVIL PENALTIES, AND ESTABLISHING A THREE-YEAR PROBATION PERIOD WITH AN AMORTIZATION SCHEDULE. MOTION CARRIED UNANIMOUSLY.

6.2 JOE CRISTILLI (APPLICANT/ARCHITECT) / BOB KIPPERMAN (PROPERTY OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 04-165), CONDITIONAL USE PERMIT (CUP 04-166), DESIGN REVIEW (DRC 04-167), SITE PLAN REVIEW (SPR 04-168), FOR A MIXED-USE DEVELOPMENT WITH A RETAIL COMMERCIAL SPACE AND THREE RESIDENTIAL UNITS LOCATED AT 201 PALM AVE., IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 755. (0600-20)

MAYOR ROSE declared the public open.

CITY MANAGER BROWN introduced the item and stated that the applicant recommended continuance of the item.

BOB WADHAM (submitted e-mail correspondence as last minute agenda information) expressed concern about potential loss of parking spaces, the projection of the roof structure into the right-of way, and language issues in the resolution including the movement of the trash container, and regarding cast iron aluminum.

MOTION BY ROSE, SECOND BY WINTER, TO CONTINUE THE PUBLIC HEARING TO JUNE 1, 2005. MOTION CARRIED UNANIMOUSLY.

6.3 TENTATIVE MAP (TM 05-193) FOR THE PROPOSED CONVERSION OF SIX RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1050 GEORGIA ST., IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: MALCOLM DAVIES, 1050 GEORGIA ST., LLC. MF 768. (0600-20)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER KANANI gave a PowerPoint presentation on the item and recommended adoption of Resolution No. 2005-6155.

No speaker slips were submitted.

MOTION BY ROSE, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2005-6155, APPROVING THE TENTATIVE MAP (TM 05-193), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

COMMUNITY DEVELOPMENT DIRECTOR WADE announced that Assistant City Planner Kanani would be receiving her Master's Degree in City Planning this weekend.

6.4 PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0465-10)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported that a revised resolution was submitted as last minute agenda information, the contribution by property owners has not changed since 1992 and this is an annual assessment that must be approved annually.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY JANNEY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY JANNEY, TO APPROVE AND ADOPT THE RESOLUTION NO. 2005-6152 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT. MOTION CARRIED UNANIMOUSLY.

6.5 PUBLIC HEARING SETTING THE ANNUAL SEWER CAPACITY FEE. (0390-55)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item and stated a revised resolution was submitted as last minute agenda information.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item; he stated that there is an ordinance that requires Council's annual review of the capacity fee; he added that the fee will remain the same for the next fiscal year, he noted that City Council approved a study to look at the capacity fee in conjunction with the sewer fees, which would be presented to Council next month; he recommended adoption of Resolution No. 2005-6153 which is necessary by July 1st.

No speaker slips were submitted.

MOTION BY ROSE, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY WINTER, SECOND BY MCLEAN, TO APPROVE AND ADOPT THE RESOLUTION NO. 2005-6153 AUTHORIZING THE RETENTION OF THE CURRENT ANNUAL SEWER CAPACITY FEE RATE. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.2, 7.3 & 7.5)

7.2 CHOOSE AND MEMORIALIZE QUARTERLY WORKSHOP DATES FOR 2005. (0410-05)

CITY MANAGER BROWN introduced the item.

Consensus of Council to change workshop dates to July 26, 2005 and October 4, 2005 at 9:00 a.m.

City Manager Brown stated that he would confirm if there are conflicts with League Conferences.

7.3 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)

CITY MANAGER BROWN had nothing to report.

Discussion ensued regarding certification of the Final EIS, closure of the beaches and how the County determines beach closures.

7.5 REDEVELOPMENT PROJECT SCHEDULES. (0640-05)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE noted that on Page 2 of the staff report, the Disposition and Development Agreement (DDA) and development proposal approval should be added to the action list for 9th and Palm Redevelopment with an estimated timeframe of March or April of 2006.

In response to Mayor Rose's comments regarding the timeframe for the 9th Street and Palm Avenue project, COMMUNITY DEVELOPMENT DIRECTOR WADE responded that proposals from the owners and tenants are due June 3rd; there will be a review of the proposals and would later be presented to the Redevelopment Agency, and he announced that the recruitment for a Redevelopment Coordinator is ongoing; he also responded to Mayor Pro Tem Janney's concerns regarding the kickoff of the façade improvement program stating that the program has been developed and it will be implemented when the Redevelopment Coordinator is on board.

REPORTS OF MAYOR AND COUNCILMEMBERS

MAYOR ROSE announced that there is a scheduling conflict for representation at the MTS Board meetings and a change to their legislation to allow a second alternate is pending.

COUNCILMEMBER MCLEAN reported on the Bayshore Bikeway Committee.

CITY MANAGER BROWN commented that Community Development Director Wade is currently working on an application for Smartgrowth funds; the deadline for submittal is June 24, 2005.

The meeting adjourned at 9:45 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk